

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRANDY SUZANNE KELLER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION

Defendant.

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CASE NO. 5:23-cv-189

ORDER
[Resolving Doc. 1]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Brandy Keller seeks judicial review of the Social Security Administration Commissioner's final decision denying her application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI").¹

On October 17, 2023, Magistrate Judge Henderson issued a Report and Recommendation ("R&R") recommending that the Court reverse the Commissioner's final decision and remand the case to the Commissioner and to the ALJ for further consideration.² On October 30, 2023, Defendant filed a response to the R&R saying that the Commissioner would not file objections.³

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁴ Absent objection, district courts may adopt an R&R

¹ Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 9, 12. Plaintiff filed a reply. Doc. 13.

² Doc. 14.

³ Doc. 15.

⁴ 28 U.S.C. § 636(b)(1).

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without review.⁵ Defendant did not object to the R&R, and this Court may adopt Magistrate Judge Henderson's R&R without further review.

So, the Court **ADOPTS** Magistrate Judge Henderson's R&R, and **REVERSES** and **REMANDS** the Commissioner's final decision.

IT IS SO ORDERED.

Dated: November 2, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).